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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,448	12/18/2000	Jerome Dale Johnson	P65332	3475
40401	7590	05/13/2010		
Hershkovitz & Associates, LLC				
2845 Duke Street				
Alexandria, VA 22314				
EXAMINER				
PASS, NATALIE				
ART UNIT		PAPER NUMBER		
3686				
NOTIFICATION DATE		DELIVERY MODE		
05/13/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net  
patent@hershkovitz.net

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 09/739,448	<b>Applicant(s)</b> JOHNSON ET AL.
<b>Examiner</b> Natalie A. Pass	<b>Art Unit</b> 3686

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-6, 8-11, 20-39 and 41-55.  
Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

NAP  
5/5/2010

/Jerry O'Connor/  
SPE, GAU 3686

Continuation of 10. Examiner finds Applicant's submission of the dictionary definition of "quotation" to be not persuasive.

Continuation of 11. does NOT place the application in condition for allowance because:

As per the amendments to claim 55, these appear to have been made merely to correct errors in the claim language. While these changes render the language of the claim smoother and more consistent, they otherwise affect neither the scope and breadth of the claim as originally presented nor the manner in which the claim was interpreted by the Examiner when applying prior art within the previous Office Action. As such, the recited claimed features would be rejected for the same reasons given in the prior Office Action (paper 20100131), and incorporated herein.

Claims 1-6,8-11,20-39 and 41-54 have not been amended and would be rejected for the same reasons applied in the previous Office Action (paper number 20100131).

As per Applicant's arguments on pages 20-21 of the After-Final response that the Lockwood reference fails to teach the feature of "wherein the generating step comprises providing benefit charts data as part of the customized proposal," as recited in claim 22, Examiner respectfully disagrees.

Examiner notes that Lockwood teaches "[a] prospective insurance purchaser may receive a series of quotations from various institutions quickly and easily, without having to submit to a lengthy sales presentation. The purchaser can compare quotations at leisure, or obtain a policy on the spot if desired. The sales terminals can be far more numerous than insurance offices, at many convenient locations, and may be open round-the-clock," (Lockwood; column 3, lines 32-39). Moreover, Examiner notes that Lockwood also teaches "[t]he system as applied to the insurance industry is arranged to give personalized insurance quotations, make sales and take orders, collect the premiums, and forward all the information to the respective insurance company." (Lockwood; column 3, lines 40-44).

Examiner submits that the "quotations" that are compared in Lockwood are quotations for insurance policies that inherently contain benefits, and that the prospective insurance policy purchaser's decision is based on comparing not only "quotations" but the BENEFITS that go with each quotation, in order to select the best personalized plan. Accordingly, Examiner interprets these teachings of Lockwood to be a form of "wherein the generating step comprises providing benefit charts data as part of the customized proposal."

Moreover, as noted above, Examiner finds Applicant's submission of the dictionary definition of "quotation" as evidence to the contrary to be not persuasive.

As per other arguments, Applicant apparently rehashes arguments previously addressed in the Final Office Action (paper number 20100131).